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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,146	02/22/2002	Douglas Rawson-Harris	22078/0001	1778

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EXAMINER

THOMAS, DAVID B

ART UNIT PAPER NUMBER

3723

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action Summary	Application No. 10/069,146	Applicant(s) RAWSON-HARRIS, DOUGLAS	
	Examiner David B. Thomas	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 11-13 been renumbered 12, 13, and 14, respectively. ***Claim***

Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 6/4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 4, 6/4 and 14 are dependent claims and as such require all of the particulars of the preceding claim(s). Thus, the examiner considers the limitation, "wherein the exposed surface of the head portion includes a recess of a symmetrical configuration and disposed coaxial with the threaded shank portion," to be in conflict with the requirement in claim 1 that, "the screw head portion having...a smooth exposed surface without any tool engagement slots or discontinuities." It appears that the applicant is attempting to claim another embodiment of the security screw, and if that is

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the case, the examiner suggests drafting a new independent claim, which defines the structural limitations of that embodiment.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 4, 6/4, and 14, as well as understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Bisbing et al. (4,258,596).

Bisbing et al. ('596) disclose a tamper-resistant fastener 70 having a head portion 72 and a threaded shank portion 71, and a complimentary washer 73 which fits on the screw and has an upstanding collar portion 74 which surrounds the head portion, the screw head portion having a circular profile about the axis of the shank portion and an exposed surface of the head portion includes a recess 76 of a symmetrical configuration and disposed coaxial with the threaded shank portion, and a driving tool 10 having a screw engagement portion 13, 14, the exterior profile 12 of which is circular and substantially of the same diameter as the head portion of the screw and an interior profile 13, 14 which is at least in part complimentary to a portion of the exposed surface of the head portion of the screw, wherein the washer 73 has an inner edge portion 74 which extends axially above the top of the exposed surface of the screw, and the washer is of a relatively hard material to resist cutting of the washer (Col. 4, lines 65-67).

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7. Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Faroni (3,924,507).

Faroni ('507) discloses a security screw comprising a threaded shank portion 23 and a head portion 21, the head portion 21 defined as having a circular profile about the axis of the shank portion and a smooth exposed surface without any tool engagement slots or discontinuities (Col. 2, lines 28-30); wherein the exposed surface of the head portion is in the form of a dome-shaped crown.

8. Claim 11 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Goldhaber (4,018,111).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 2, 3, 5, 6/1, 6/2, 6/5, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuchler (5,401,113) in view of Faroni (3,924,507).

Kuchler ('113) discloses security fastener having a head portion and a threaded shank portion, and a complimentary washer which fits on the screw and has an upstanding collar portion which, in use, surrounds the head portion to prevent access to the periphery of the head portion with tools for unscrewing the screw, the screw head portion having a slightly oblong profile about the axis of the shank portion and a smooth exposed surface without any tool engagement slots or discontinuities such that torque

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may be applied to the screw through a driving tool having a screw engagement portion, the exterior profile of which is circular and substantially of the same diameter as the head portion of the screw and an interior profile of which is at least in part complimentary to a portion of the profile of the smooth exposed surface; wherein the smooth exposed surface of the screw head has a smoothly rounded shoulder defining an edge surface portion and the shoulder is engaged frictionally by a concave complimentary portion of the driving tool; the method for installing or connecting components using the screw and washer and using a driving tool to apply torque to the screw by entering engagement of a friction drive surface of the driving tool which is at least in part shaped complimentary to a portion of the smooth exposed surface of the head portion of the screw. Kuchler ('133) also discloses that the depth 82 of the recess 76, in the washer, is at least about as deep as the height 66 of the peripheral edge portion 64, to minimize access for prying against the head 46 with a tool such as a conventional screwdriver. Although Kuchler ('133) directs the description of the security fastener to a screw having a peripheral edge portion having a slightly oblong shape (Col. 4, lines 45 and 46), Kuchler ('133) teaches that the invention is not limited to that shape and that other head shapes are possible (Col. 4, lines 40-44). Faroni ('507) discloses a similar security screw and fastening system. The head of the screw of Faroni ('507) has a circular profile and a smooth exposed surface, which is dome-shaped and includes a complimentary washer, which fits on the screw. Faroni ('507) teaches that, since the head 21 has a smooth non-wrenchable surface, and the rotatable cup washer 25 partially encloses the head 21, there is no possibility of gripping

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the head by standard wrench or plier means. The hardened steel of the fastener apparatus together with the freely rotatable sleeve and washers effectively inhibits the use of hammer, saw or chisel to break, sever or turn the bolt 20 in its installed position (Col. 4, lines 22-26 and 29-33). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the head, as well as the complimentary engagement portion of the driving tool of Kuchler ('133) by providing a screw head having a circular profile, and/or a smooth exposed surface which is dome-shaped, such as the screw disclosed by Faroni ('507), and since such security screws were known in the art at the time the invention was made and Kuchler ('133) teaches that other head shapes are possible, the selection of any of these known security fastener head shapes would be within the level of ordinary skill in the art.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faroni ('507), as applied to claims 7 and 8 above, in view of Cioletti (5,119,956) or Gaffrig (4,622,850).

Faroni ('507), as applied to claims 7 and 8 above, discloses the claimed invention except for specifying the type of material from which the screw is made. Cioletti ('956) discloses the use of a Bolt 26 of a high tensile strength metal suitable for corrosive service, like 304 stainless steel (Col. 4, lines 18 and 19). Gaffrig ('850) discloses the use of a set screw formed of a corrosion resistant material, such as, for example, 304 stainless steel (Col. 5, lines 10-12). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the security screw of Faroni ('507) from either 316 or 304 stainless steel, since it has been held to

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be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. See *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945) or *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cerny, Lee, Pozek, and Vickers each disclose a tamper-resistant fastener system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (703) 308-4250. The examiner can normally be reached on 8:00-6:30 M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



David B. Thomas
Patent Examiner
Art Unit 3723

dbt